Energy Law

With more than 80 attorneys working in nearly every facet of the energy sector in the United States and much of the world, Perkins Coie helps clients structure and negotiate all aspects of energy transactions, navigate the complex regulatory frameworks governing the energy industry and litigate issues influencing the energy sector.

Our clients range from some of the world's largest energy companies and utilities to promising startups. Backed by a national practice spanning the West Coast and extending to Washington, D.C., Perkins Coie serves clients active in traditional regulated markets as well as those operating in newly deregulated markets or implementing cutting-edge energy technologies.

Energy Clients and Scope of Practice

Perkins Coie energy attorneys provide significant knowledge, value and flexibility, whether they are representing clients directly or working with experienced local counsel. We represent clients participating in many sectors of the energy industry, including:

- Renewable and other independent power producers
- Investor-owned and publicly owned electric and natural gas utilities and pipelines
- Producers and refiners of natural gas, including LNG, biofuel and oil
- Electric transmission owners and developers
- Lenders and equity investors
- Public agencies
- Native American tribes
- Industry trade associations
- Electric and other alternative-fuel vehicle companies
- Energy storage, efficiency and demand response companies
- Large-scale energy end users

Comprehensive Cross-Discipline Energy Counsel

To help our energy clients achieve their goals, we leverage our firm's full-service capabilities, which include a multidisciplinary bench of Perkins Coie lawyers. Areas of related counsel include environmental, corporate, securities, tax, real estate, intellectual property, labor and employment, insurance, construction, government contracts, political law, litigation—including arbitration and other methods of dispute resolution—and appellate practices, which we draw upon as appropriate. Areas of focus include the following:

PROJECT DEVELOPMENT AND PERMITTING

Perkins Coie lawyers have assisted clients with development of energy projects for more than 70 years, working with them from the earliest stages of development through the environmental review and approval process and the ultimate decommissioning of a facility.

Our practice includes assisting clients in site selection, acquisition, permitting, litigation, decommissioning and such energy projects as:

- Electric-generating facilities fueled by natural gas, coal, oil, hydro, solar, biomass, landfill gas, wind, geothermal and tidal resources
- LNG facilities and takeaway pipelines
- Electric transmission lines and substations
Pipelines and storage facilities for natural gas and petroleum products
Offshore energy and renewables (wind, wave, and Ocean Thermal Energy Conversion (OTEC))

Skilled at counseling at the intersection of energy and environmental regulations governing the development of energy projects, we successfully help clients navigate this regulatory maze to obtain approvals for some of the most complex energy projects in the country.

Energy attorneys have experience in the siting of energy projects on federal, tribal, state and private lands throughout the country. The practice’s assets include attorneys who previously served with the Department of Interior, the U.S. Forest Service and the Environmental Protection Agency as well as litigators well versed in claims relating to energy project approvals and permits.

FEDERAL AND STATE REGULATORY MATTERS

Perkins Coie attorneys advise clients on administrative and regulatory law governing the energy industry, including litigation before administrative and judicial bodies, legislative drafting and advocacy, permitting and licensing, policy and reporting requirements.

Our team regularly appears before state regulatory commissions throughout the country in regulatory proceedings in the natural gas and electric utility, telecommunications and water utility industries. Equally creative and committed in their problem-solving approaches to complex, multiparty proceedings, our regulatory attorneys have experience in proceedings concerning:

- Gas and electric general rate cases, and power or gas cost-adjustment or tracker cases
- Energy facility licensing
- Cutting-edge policy issues, including gas-electric integration, renewable energy development and integration, and energy efficiency
- Pipeline and gas storage facility certification
- Accounting petitions, including petitions for approval to transfer property
- Merger applications and transfers of control
- Customer complaint cases and regulatory enforcement actions regarding rates, terms or conditions of service, or alleged tariff or other violations
- Pipeline and electric transmission safety
- Judicial appeals of administrative decisions and permits

Our California energy practice is noteworthy in the regulatory sphere, where we apply a deep understanding of the regulatory and political framework governing energy in California and its authoritative overseers: the California Public Utilities Commission (CPUC), California Independent System Operator (CAISO) and California Energy Commission.

Perkins Coie’s CPUC bench is among the deepest in the state. For decades, our CPUC specialists have helped clients achieve success in the complex and often political environment of the CPUC, which provides oversight of public utilities providing energy, telecommunications, water and transportation services. View a full overview of our CPUC capabilities here.

ELECTRICITY, NATURAL GAS, LNG AND PETROLEUM PRODUCTS

Perkins Coie represents clients before the Federal Energy Regulatory Commission (FERC), the North American Electric Reliability Corporation (NERC) and state regulatory commissions on matters involving electric power, natural gas, crude oil and petroleum products.

We represent large national investor-owned and publicly owned utilities as well as startup independent power producers and renewable energy companies in both regulated and unregulated settings. Our extensive experience includes:

- Natural gas-electric coordination
- The Federal Power Act, from hydroelectric licensing, electric transmission and interconnection to generation and power marketing
- Reliability standards enforced by NERC and regional reliability entities
- Regulation of natural gas, including the Natural Gas Act, Natural Gas Policy Act and Pipeline Safety Act
- Development, interconnection and integration of renewable resource projects
- Certificates for electric and natural gas projects from FERC and state commissions
- Regulation of crude oil and products pipelines under the Interstate Commerce Act
- Counseling energy companies on issues arising under the Dodd-Frank Act
In our counsel related to electricity, we cover the issues presented by federal regulation of wholesale sales transactions, state regulation of siting and cost recovery of facilities serving retail customers, and compliance at all levels, including the NERC reliability standards.

Interstate and intrastate pipeline and storage facilities and local distribution companies face myriad issues and we address these concerns. We also advise clients in the evolving and expanding markets for LNG and biofuels being used as transportation fuels and supporting electric generation and industrial uses in remote locations. Our counsel includes advising natural gas companies and LNG suppliers on LNG terminal construction and supply agreements with end users and electric utilities, including through bunker barges and ISO containers.

For clients involved with crude oil and petroleum products, Perkins Coie's experience includes the traditionally light-handed regulation at FERC as well as emerging issues in service terms, conditions and rate design. We also counsel clients in the expanding products markets created by the expansive shale plays in development in the United States.

**OIL AND GAS PRODUCTION, PIPELINES AND REFINING**

Perkins Coie has decades-long experience representing clients in the oil and gas industry. From the wellhead to the burner tip, the legal issues that our oil and gas attorneys focus on include concerns related to the exploration, production, transportation and storage of crude oil, natural gas, petroleum products and coal bed methane.

We have advised on a wide range of oil and gas matters for such entities as:

- Producers
- Oil field services companies
- Pipeline operators
- Storage and distribution systems
- Private equity firms
- Commercial lenders
- Alaska Native Corporations and other Native American entities

Areas of counsel include matters involving mergers, acquisitions and dispositions, joint ventures, financings, contracts and services agreements, down-hole operational issues, environmental compliance, federal, state and local regulatory matters, ownership disputes and operational disputes. We regularly advise clients on complex issues related to upstream, midstream and downstream project development, including the siting of production, storage, processing and transfer facilities.

The geographic reach of our counsel includes most of the major oil-and-gas-producing states and Canadian provinces, as well as matters overseas.

Our experience covers numerous geographies and geologies domestically, including the North Slope and Cook Inlet plays (AK), Monterey Shale play (CA), D-J Basin (CO), San Juan Basin (NM), Permian Basin (TX and NM), Bakken Shale play (ND), Niobrara Shale play (CO and NB), Barnett Shale play (TX), Eagle Ford Shale play (TX), Fayetteville Shale play (AR), Woodford Shale play (OK), Black Warrior Basin (AL), Marcellus Shale play (PA and WV), Utica Shale play (OH and WV) and Huron Shale play (WV and KY).

Internationally, our experience covers oil and gas operations in Australia, Bangladesh, India, New Zealand, Poland, Italy, Canada, Mexico, Myanmar and Vietnam.

Clients work with our attorneys on a full range of commercial and corporate transactions in addition to project permitting and development, litigation and regulatory matters. Perkins Coie's Oil and Gas practice is composed of lawyers with experience in an array of practice areas, including oil and gas operations, mergers and acquisitions, corporate finance, litigation, environmental, commercial finance, land use, planning and zoning, public policy, regulatory, tax, real estate and intellectual property.

**RENEWABLES, SUSTAINABILITY AND CLEAN TECHNOLOGY**

Having worked in the renewable energy sector since the 1970s, Perkins Coie attorneys are well positioned to assist clients on a full range of transactions, administrative proceedings, environmental review and litigation involving the following renewable energy sources and technologies:

- Wind
- Solar: photovoltaic, thermal and concentrated
- Hydro and hydrokinetic: wave, current, tidal and thermal
- Geothermal
• Ethanol, biodiesel and other biofuels
• Biomass, landfill gas, biomaterials and biogas
• Heat recovery
• Other renewable energy technologies and projects

Our attorneys represent the full spectrum of participants and stakeholders in the renewable and clean technology sectors, including lenders, investors, technology providers, developers, independent power producers, utilities, sponsors and end users.

Perkins Coie’s legacy of experience in this area means that clients receive counsel backed by familiarity with both the policy issues and the practical implications of federal and state tax credits, renewable portfolio standards, renewable energy certificates (RECs) and green tags. We frequently help clients structure transactions in order to achieve tax advantages, favorable financing terms and additional value for renewable energy projects.

In the area of emerging carbon markets, we help clients understand and manage their carbon “footprints,” and we regularly advise industrial, agricultural and commercial clients on current and anticipated laws and regulations relating to climate change, making special note of those that could generate enforcement issues and litigation.

In the clean technology space, Perkins Coie counsels both public and private clients advancing scientific and technological responses to climate change, including how best to protect their intellectual property.

ENERGY EFFICIENCY, STORAGE AND DEMAND RESPONSE

The sea change in energy supply and the need for energy-balancing resources with low or no emissions are providing an expanding market for demand-side solutions, particularly energy efficiency, storage and demand response.

While the remarkable market growth, new technologies and application of communications and “big data” innovations of energy are new, these three cornerstones of demand-side solutions have played a significant role in the energy system for many decades.

Perkins Coie has years of experience in addressing the special issues that arise in energy efficiency, storage and demand-response transactions. Active in the forefront of emerging energy, we help clients with the latest products and new applications of existing products, so they may make the most of developing market and regulatory opportunities. As energy efficiency, storage and demand response expand, Perkins Coie readily assists both new entrants and industry stalwarts.

EMERGING ENERGY AND ENERGY TECHNOLOGY COMPANIES

Our attorneys’ service to emerging energy companies includes counsel by former in-house attorneys familiar with the particular challenges facing energy startups. Perkins Coie is home to a prominent team of clean technology and emerging company legal professionals who have helped many well-known and established companies achieve their visions since their founding.

Emerging companies must be nimble, understand new directions of the markets and regulatory environments, and take advantage of fleeting opportunities to capitalize on distinctive approaches, products and services. Perkins Coie guides emerging companies by providing the context and counsel needed for quick decision making and ultimate success.

FINANCE, TAX AND TRANSACTIONS

Perkins Coie’s Project Finance practice works closely with our clients through all phases of the development, acquisition and financing of energy, infrastructure and public-private partnership projects in domestic and international markets. Such engagements include preliminary evaluation and due diligence, land use and permitting matters, federal, state and local tax issues, regulatory and political challenges, negotiation of development, engineering, construction, warranty, operating, management and maintenance, power purchase and other product off-take arrangements, supply agreements, real estate, joint venture and other commercial contracts and structuring and negotiating the related financing agreements.

Perkins Coie’s Project Finance practice has assisted clients with the structuring and negotiation of numerous types of financings, including nonrecourse and limited-recourse debt, credit-enhanced and government-guaranteed financings, bonds and securitizations, equity, sale/leasebacks and leveraged leases, energy tax credits, mezzanine debt and debt restructurings.

Our team is comprised of transactional attorneys and specialists in the fields of energy, real estate, tax, regulatory, environmental, construction, labor and employment, intellectual property, government contracts and financing matters. Members of Perkins Coie’s team have contributed to the successful financing of some of the largest renewable energy projects as well as to smaller distribution system projects, and include energy facilities in North and South America, Asia and Africa. Our clients include lenders, borrowers, sponsors, developers, project companies, financing parties, contractors and operators in project finance transactions.

ENERGY PURCHASES AND SALES
We have represented utilities, independent power producers, end users and other market participants on many forms of energy purchase and sales transactions, including short- and long-term power purchase agreements, lease arrangements, capacity sale and tolling agreements and related hedging instruments involving both renewable and fossil fuel energy sources as well as commercial utility, distributed generation, rural cooperative and other facilities and structures. Our attorneys have negotiated many novel power purchase agreements that have helped establish market precedent, including innovative energy efficiency, demand response and storage contracts.

LITIGATION

In the commercial, permitting and regulatory arenas, our energy team includes litigators dedicated to the energy industry and related areas of law. We help our clients successfully litigate the full range of energy commercial matters, including challenges to permit and other regulatory approvals in federal and state trial and appellate courts as well as appeals of electric, gas and oil pipeline rate cases and certificates appeals from FERC and state regulatory commissions.

Representative energy litigation experience includes areas involving antitrust, RICO, fraud, tort, environmental statutes, energy project approvals and other claims related to the energy industry or the provision of tariff services. In addition, our background includes proceedings and actions involving government contracts before the U.S. Court of Federal Claims.

EXPERIENCE

PROJECT PERMITTING AND DEVELOPMENT

PHOTOVOLTAIC SOLAR PROJECTS IN RIVERSIDE COUNTY
Represented the project proponent in CEQA compliance and securing land use approvals for two industrial-scale photovoltaic solar projects in Riverside County, California. One project is designed to provide 485 megawatts of electricity generation on 3,800 acres. The second project is designed to provide 437 megawatts of electricity generation on 3,250 acres.

OFFSHORE WIND PROJECT
Advise project sponsor on environmental review and permitting for a proposed offshore wind project near Morro Bay, California. The project is under the jurisdiction of the Bureau of Ocean Energy Management, and will require additional approvals from NOAA Fisheries, the U.S. Army Corps of Engineers as well as California state and local agencies.

OFFSHORE WIND PROJECT
Represent project sponsor on environmental review and permitting for a proposed 400 MW offshore wind project in Hawaii. The project is under the jurisdiction of the Bureau of Ocean Energy Management, and will require additional approvals from NOAA Fisheries, the U.S. Army Corps of Engineers as well as state and local agencies.

SOLAR PROJECT
Advise developer sponsor on environmental review and permitting for a large-scale solar project in San Bernardino County, California. The representation includes review under California Environmental Quality Act, the Endangered Species Act as well as analysis of water rights and other environmental compliance matters.

SEAWATER AIR CONDITIONING PROJECT
Advise project sponsor on environmental review and permitting for a seawater air conditioning project in Hawaii, which will provide chilled water to Honolulu to reduce the electricity consumption used for air conditioning.

WIND ENERGY PROJECTS
Represented wind energy developers with respect to CEQA, NEPA and Williamson Act compliance and approvals for projects in Alameda, Contra Costa, Solano, Kern and Riverside Counties in California. Key issues include energy loss caused from upwind turbine placement, effects on biological resources, including birds, noise and safety issues associated with risk of thrown blades.

SOLAR GENERATION PROJECT
Represented investors/developers regarding due diligence, permitting and entitlements, real estate, interconnection agreement, regulatory issues in acquisition and completion of Idaho 80MW photovoltaic generation project connected to Northwest power grid.

GEOTHERMAL ENERGY HEATING SYSTEM PROJECT
Represented the City of Boise regarding water rights and other permitting and regulatory issues in successful development and major expansion of municipal direct heating system fueled sustainably by geothermal aquifer, supplying numerous government and commercial buildings in downtown Boise and adjacent Boise State University campus.

RENEWABLE ENERGY PROJECT
Represented company on title and land use risks in acquisition and future financing of wind project in Wyoming.

CASE STUDY

KEEPING THE LIGHTS ON: DECISIVE DEFENSE PROTECTS IVANPAH SOLAR PLANT
Before allowing Ivanpah Solar Electric Generating System to be built on the land, the Bureau of Land Management needed to ensure compliance with a host of federal statutes, including the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), National Historic Preservation Act and Federal Land Policy and Management Act (FLPMA). But a group of desert tortoises and migratory bird were standing in the way.

OIL & GAS

ACQUISITION OF SHELL OIL COMPANY REFINERY AND USA PETROLEUM CORPORATION OUTLETS
Federal Trade Commission
Represented Tesoro Corporation before the U.S. Federal Trade Commission, successfully obtaining antitrust clearance of a $2 billion acquisition of an oil refinery, terminal and service stations from Shell Oil Company. Separately obtained clearance from the Federal Trade Commission of Tesoro's acquisition of over 140 service stations from U.S.A. Petroleum Company. Both transactions were cleared without a Second Request.

ADVANCED DEVELOPMENT HOLDINGS INC. V. BREA CANON OIL COMPANY INC.
Superior Court of California, County of Los Angeles
Lead trial counsel in a complicated oil and gas case that resulted in a directed verdict on behalf of the client after a three-week jury trial. In Advanced Development Holdings Inc. v. Brea Canon Oil Company Inc., The Hon. Judge Joanne O'Donnell granted BCI's motion for a directed verdict after the close of all evidence. The directed verdict was affirmed by the Court of Appeal, 2nd Appellate District, Div. 4.

ALTAMONT GAS TRANSMISSION V. PG&E
EIR for Expansion of Natural Gas Pipeline Facilities; Represented Pacific Gas and Electric Co. and Pacific Gas Transmission in proceedings before the California Public Utilities Commission and the California Supreme Court in the successful defense of a challenge to the environmental impact report and findings supporting a certificate of public convenience and necessity for expansion of natural gas pipeline facilities.

CENTER FOR BIOLOGICAL DIVERSITY, ET AL. V. CALIFORNIA STATE LANDS COMMISSION, ET AL.
CEQA Challenge to Marine Oil Terminal Lease. Represent Tesoro Companies, Inc. in defense of CEQA lawsuit challenging the State Lands Commission's environmental impact report for renewal of Tesoro's lease for the Avon Marine Oil Terminal. Issues include the types of crude oil that might be used at Tesoro facilities in the area.

COMMUNITIES FOR A BETTER ENVIRONMENT V. BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Richmond Refinery Air District Litigation. Represented Chevron Products, Inc. in the successful resolution of litigation challenging the air district permitting process for Chevron's $1 billion Richmond Refinery Modernization Project. Our attorneys also represented Chevron in the administrative proceeding to obtain the permits.

CONFIRMED HOSTILE CHAPTER 11 PLAN FOR OIL WILDCATTER
Represented the lender to an oil "wildcatter" in Chapter 11 where a plan resolving a "lender liability" lawsuit was confirmed over the debtor's vigorous objections, which was then affirmed on appeal.

ENVIRONMENTAL PERMITTING
Represented Jordan Cove Energy Project regarding the LNG export terminal in Coos Bay, Oregon. Work has involved: solid waste permitting, PSD air permitting and NPDES permitting.

FORMATION OF AND CAPITAL RAISE FOR OIL AND GAS INVESTMENT FUND
Advised a California-based institutional fund sponsor in connection with the formation of a US$100 million investment fund investing in upstream oil and gas projects.

FORMATION OF TWO OIL AND GAS JOINT VENTURES WITH LARGE PE SPONSOR
Advised an E&P company in connection with the formation of two oil and gas joint ventures with a large international private equity fund in a transaction valued at an aggregate of US$ 740 million. The joint ventures will focus on the production of oil and gas as well as the acquisition of working interests and royalty interests, respectively, in oil and gas properties in Pennsylvania and Ohio.

GILLEY V. ARCO
Defended major oil refiners (Conoco and Valero) in putative class action in which service station dealers alleged that refiners used exchange agreements to restrict supply and raise the price of gasoline in violation of federal antitrust law. The district court granted the defendants’ motion to dismiss and the Ninth Circuit affirmed.

IMC CHEMICALS INC. V. EL PASO CORPORATION
Defended El Paso Corporation and its subsidiaries in action in which opt-out plaintiff claimed that El Paso conspired with others to fix the price of natural gas in violation of state antitrust law. Argued and won motion to dismiss parent El Paso Corporation for lack of personal jurisdiction and motion to compel arbitration of the claims against the remaining El Paso defendants in federal district court.

JILES V SEMPRA ENERGY
U.S. Bankruptcy Court for the Central District of California
Defended Sempra Energy in patent infringement, inventorship, and related state law and tort case relating to earthquake gas
shutoff valves. Resulted in a directed verdict in favor of client.

LIQUEFIED NATURAL GAS PROJECT
Represented a utility in successfully obtaining the regulatory approvals required to build a liquefied natural gas (LNG) facility in
Tacoma, Washington, capable of receiving 21,000 Dth/day of natural gas, producing 250,000 gallons/day of LNG, and storing
approximately 8 million gallons of LNG. The utility will use the facility to meet its peaking needs and to provide LNG as fuel for in
the marine industry.

MOBIL OIL CORP. V. COASTAL PETROLEUM CO. (USDC, N.D. FLA. 1980 - 1988)
U.S. District Court for the Northern District of Florida
Represented Mobil Oil Corp. in related cases in the U.S. District Court for the Northern District of Florida and various Florida state
courts with respect to claims totaling more than $2 billion asserted by the State of Florida and its mineral lessee, Coastal
Petroleum, based on the contention that Mobil had mined phosphate and uranium from state lands within 26 miles of the Peace
River in central Florida. The action required a determination of the navigability of the river in 1845 and the location of its ordinary
high-water mark boundary.

NATURAL GAS PIPELINE IN WYOMING
Assisted a developer in determining the regulatory approvals and environmental permits required to construct a natural gas pipeline
in Wyoming, including developing a timeline to depict the approximate time it would take to complete the permitting.

OCCIDENTAL PETROLEUM CORPORATION V. CERTAIN UNDERWRITERS, ET AL.
Represented Occidental Petroleum in a coverage dispute involving a series of terrorist bombings that crippled oil production for a
pipeline in Columbia. As a result of our novel theory concerning the number of occurrences, and our resourceful pursuit of difficult-
to-obtain evidence, the case was tried favorably and ultimately resulted in a confidential nine-figure settlement.

OUTER CONTINENTAL SHELF EXPLORATION AND DEVELOPMENT
Perkins Coie assisted Shell in obtaining Clean Air Act and Clean Water Act permits required for a multiyear oil exploration drilling
program in the Beaufort Sea. The matter concerned the first Prevention of Significant Deterioration permits issued in this context.
Perkins Coie also represented Shell before the 9th Circuit Court of Appeals, defending the new general NPDES permit issued under
the Clean Water Act.

PG&E LAND EXCHANGE
Negotiation of Letter of Intent and Real Property Transfer Agreement between City of Oakland and Pacific Gas and Electric
Company. Assisted the Port of Oakland in the successful negotiation of a letter of intent and real property transfer agreement for
the exchange of properties owned by the Port and PG&E. Representation also included assistance with the negotiation of a
reimbursement agreement, and legal analysis and support associated with environmental/hazardous material compliance, CEQA,
and subdivision map compliance.

PROTECTED CREDITOR OF BARNETT SHALE ENERGY COMPANY IN COMPLEX CHAPTER 11
Represented the purchaser of a note from an energy company producing oil and gas from the Barnett Shale. Negotiated the
resolution of litigation against the purchaser to secure a Chapter 11 plan that provided for the debt to be paid. When the debtor
could not perform under the confirmed plan, a renegotiation secured a substantial pay down and the ultimate foreclosure on the
producing properties.

PUBLIC OFFERING BY TEEKAY CORPORATION OF COMMON STOCK
Represented Teekay Corporation (NYSE:TK) in its $97.5 million public offering of common stock. Teekay Corporation is a leading
provider of international crude oil and gas marine transportation services and also offers offshore oil production, storage and
offloading services.

RATE PROCEEDINGS FOR NATURAL GAS PIPELINES
Represent interstate and Section 311 natural gas pipelines in FERC rate proceedings, including preparing the initial rate application,
responding to protests and Staff data requests, all phases of rate litigation, drafting and responding to data requests, facilitating
settlement discussions and negotiating and drafting settlement agreements.

RCRA, CERCLA/EPCRA AND SAFE DRINKING WATER ACT/UIC DEFENSE FOR BP EXPLORATION INC.
Defended Alaska oil exploration company against federal civil and criminal claims under RCRA, CERCLA/EPCRA, and Safe
Drinking Water Act/UIC, including negotiating with U.S. Department of Justice environmental crimes and civil enforcement
attorneys, and EPA Region 10.

REGULATORY LITIGATION
Represented energy clients in administrative litigation and rulemaking proceedings before the Federal Energy Regulatory
Commission (FERC).

RENEWABLE ENERGY GENERATION FACILITIES JOINT VENTURE
Advised a U.S. mid-continent based oil field services company in connection with the US$330 million sale of 93% of its equity interests to a Toronto Stock Exchange-listed Canadian oil field services company.

**RULE 144A OFFERING BY TEEKAY CORPORATION OF SENIOR UNSECURED NOTES**
Represented Teekay Corporation (NYSE:TK) in its Rule 144A offering of $125 million aggregate principal amount of 5.0% Convertible Senior Notes due 2023. Teekay Corporation is a leading provider of international crude oil and gas marine transportation services and also offers offshore oil production, storage and offloading services.

**SHELL OIL ET AL V. COUNTY OF CONTRA COSTA**
Challenge to Industrial Regulation; Represented oil refineries and industrial manufacturers in a challenge to a county ordinance requiring conditional use permits for major maintenance projects at industrial facilities. The court of appeal upheld our challenge to Contra Costa County's use of a CEQA exemption in enacting the ordinance, and held that the county had failed to comply with the planning and zoning law.

**SOUTHWEST GAS CORPORATION- CALI PUBLIC UTILITIES COMMISSION**
CPUC Regulatory Advice for Natural Gas Local Distribution Company. Provide ongoing regulatory advice for Southwest Gas Corporation related to its California operations, particularly with regard to compliance with California Affiliate Transaction Rules and other areas of regulation by the California Public Utilities Commission (CPUC).

**UNITED STATES V. MASTEC INC.**
U.S. District Court for the District of Oregon
Obtained favorable verdict of $1.5 million after bench trial in Clean Water Act action in which U.S. sought $30 million penalty related to over 600 alleged permit violations during construction of a 90-mile natural gas pipeline system; United States' appeal of judgment dismissed.

**WEATHERFORD INTERNATIONAL, LTD.**
Negotiated a $75 million settlement for Weatherford International with a group of domestic and Bermuda-based insurance companies in connection with the Deepwater Horizon incident in the Gulf of Mexico. The insurance proceeds were used to fund a settlement between Weatherford International and British Petroleum (BP), whereby BP agreed to indemnify Weatherford International for claims arising out of the oil spill.

**NEWS**

08.19.2019
*Perkins Coie Adds Highly Regarded Environmental and Natural Resources Partner Thomas Jensen in Washington, D.C.*
Press Releases
Perkins Coie is pleased to announce that Thomas Jensen, a nationally recognized environmental and natural resources law attorney, has joined the firm’s Washington, D.C. office as a partner in the Environment, Energy & Resources (EER) practice.

08.15.2019
*Best Lawyers® 2020 Recognizes 283 Perkins Coie Attorneys*
Press Releases
Perkins Coie is proud to announce that 282 of its attorneys were selected by their peers for inclusion in the 2020 edition of *The Best Lawyers in America®.*

02.20.2019
*Laura Zagar Quoted in Law360 - Ore. Project's Renewable Trifecta Won't Be Easy To Copy*
General News
*Law360*
Partner Laura Zagar was quoted in "Ore. Project's Renewable Trifecta Won't Be Easy To Copy," an article in Law360, regarding the 300-megawatt wind, 50-megawatt solar and 30-megawatt battery storage project in Eastern Oregon and obstacles that stand in the way of other co-located wind and solar energy projects.

**BLOG**

No Subdivision of Williamson Act Land Unless Residential Development is Closely Associated With Agricultural Use

Plaintiffs Failed to Exhaust Administrative Remedies When Their Consultant Did Not Expressly Raise Takings Claim

Increase in San Francisco Office and Laboratory Use Development Fees to Pay for Affordable Housing

Action for Refund of Developer Fees Was Subject to One-Year Statute of Limitations

**PUBLICATIONS**
San Francisco Sellers: COPA Now in Effect

Updates

The San Francisco Mayor's Office of Housing and Community Development released its much-awaited Community Opportunity to Purchase Act (COPA) Program Rules on Monday, September 3, 2019. (The mayor signed COPA on May 3, 2019. More information about the legislation can be found in our previous update.)

D.C. Circuit Dismisses Clean Air Act Challenge to New EPA Policy Memorandum, Finding No “Final Agency Action”

Updates

The U.S. Court of Appeals for the D.C. Circuit has issued an important decision that narrowly interprets the types of governmental decisions that may be challenged in court as “final agency action.”

EPA Proposes to Narrow Water Quality Certification Authority Under the Clean Water Act

Updates

The Environmental Protection Agency issued a 163-page proposed rule on August 9, 2019, to clarify the substantive and procedural requirements for water quality certifications under Section 401 of the Clean Water Act.

Trump Administration Finalizes Major Changes to Endangered Species Act Regulations

Updates

The U.S. Fish and Wildlife Service and National Marine Fisheries Service issued a set of three new final rules on August 12, 2019, that substantially revise the regulations implementing the Endangered Species Act.


Updates

The Council on Environmental Quality published draft guidance June 26, 2019, on how to assess greenhouse gas emissions under the National Environmental Policy Act, the law that requires environmental impact assessment for projects that receive federal funding or federal approvals.

Utility Regulatory Commissions in Wisconsin and Iowa Chart Path on Electric Vehicle Infrastructure

Updates

Two midwestern states are taking up the issue of how to address the expansion of electric vehicles (or EVs) in their jurisdictions.

State Regulatory Commissions Continue to Address Electric Utility Movement Into the Transportation Sector

Updates

Electric vehicles (or EVs) cumulatively consume large amounts of electricity, which means regulated utilities have a natural interest in the expansion of EVs and in managing the impacts to the electric grid from that increased electric demand.

Legal Landscape for Coal Ash Ponds Remains in Flux

Updates

Federal environmental law governing coal ash ponds used by many regulated electric utilities remains uncertain after a flurry of recent activity at the Environmental Protection Agency and in the courts.

Federal Court Requires Additional Environmental Review for Offshore Fracking Off California Coast

Updates

A federal court recently prohibited the U.S. Department of the Interior from approving any plans or permits for offshore fracking off the California coast until it complies with the Endangered Species Act (ESA) and the Coastal Zone Management Act (CZMA).

PRESENTATIONS

Interconnection Issues With Distributed Energy Resources (DERs)

Speaking Engagements

Pyle Center / Madison, WI
2019 Western Chapter Annual Meeting
Speaking Engagements
Palace Hotel / San Francisco, CA
Wendy Moore will be speaking on blockchain for the energy industry (i.e. supply chain management, trading carbon credits, peer to peer energy transfers), with the heads of blockchain innovation from PGE and Exelon.

01.14.2019
National Environmental Policy Act Documentation: The Effects of Current Presidential Executive Orders
Speaking Engagements
TRB Annual Meeting / Washington, D.C.

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RELATED SERVICES
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• Government Contracts
• Infrastructure Project Permitting & Development
• Insurance Recovery Law
• International Transactions & Trade
• Land Use & Development
• Litigation
• Mergers & Acquisitions
• Real Estate & Land Use
• Real Estate Workouts
• Tax Law
• White Collar & Investigations
• California Environmental, Land Use, Energy & Resources
INDUSTRIES
• Clean Technology
• Forest Products
• Land Development
• Mining
• Oil & Gas
• Wineries, Breweries & Distilleries

NEWS & INSIGHTS

Ninth Circuit Upholds BIA Approval of Southern California Wind Energy Project

San Francisco Sellers: COPA Now in Effect
The San Francisco Mayor’s Office of Housing and Community Development released its much-awaited Community Opportunity to Purchase Act (COPA) Program Rules on Monday, September 3, 2019.

EPA Proposes to Narrow Water Quality Certification Authority Under the Clean Water Act
The Environmental Protection Agency issued a 163-page proposed rule on August 9, 2019, to clarify the substantive and procedural requirements for water quality certifications under...

Trump Administration Finalizes Major Changes to Endangered Species Act Regulations
The U.S. Fish and Wildlife Service and National Marine Fisheries Service issued a set of three new final rules on August 12, 2019, that substantially revise the regulations implementing the Endangered...

The Council on Environmental Quality published draft guidance June 26, 2019, on how to assess greenhouse gas emissions under the National Environmental Policy Act, the law that requires...

Utility Regulatory Commissions in Wisconsin and Iowa Chart Path on Electric Vehicle Infrastructure
Two midwestern states are taking up the issue of how to address the expansion of electric vehicles (or EVs) in their jurisdictions.

State Regulatory Commissions Continue to Address Electric Utility Movement Into the Transportation Sector
Electric vehicles (or EVs) cumulatively consume large amounts of electricity, which means regulated utilities have a natural interest in the expansion of EVs and in managing the...

Legal Landscape for Coal Ash Ponds Remains in Flux
Federal environmental law governing coal ash ponds used by many regulated electric utilities remains uncertain after a flurry of recent activity at the Environmental Protection Agency and in the courts.
Keeping the Lights On: Decisive Defense Protects Ivanpah Solar Plant

Before allowing Ivanpah Solar Electric Generating System to be built on the land, the Bureau of Land Management needed to ensure compliance with a host of federal statutes, including the...